

complaint by the complainant in the original investigation or his successor in interest, by the Office of Unfair Import Investigations, or by the Commission setting forth alleged violations of any exclusion order, cease and desist order, or consent order. If a proceeding is instituted, the complaint shall be served upon the alleged violator. Within 15 days after the date of service of such a complaint, the named respondent shall file a response to it. Responses shall fully advise the Commission as to the nature of any defense and shall admit or deny each allegation of the complaint specifically and in detail unless the respondent is without knowledge, in which case its answer shall so state and the statement shall operate as a denial. Allegations of fact not denied or controverted may be deemed admitted. Matters alleged as affirmative defenses shall be separately stated and numbered.

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Issued: March 22, 1995.

By Order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 95-7567 Filed 3-28-95; 8:45 am]

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19 CFR Part 210

Filing of Complaints Alleging Unfair Practices in Import Trade

AGENCY: International Trade Commission.

ACTION: Proposed rulemaking and request for comments.

SUMMARY: The Commission proposes to amend the Commission's final rules for investigations and related proceedings under section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). The proposed amendments require section 337 complainants to file equal numbers of confidential and nonconfidential copies of complaints and to file them on the same date.

DATES: Comments on the proposed amendments will be considered by the Commission if received on or before April 28, 1995.

ADDRESSES: A signed original and 18 copies of each set of comments, along with a cover letter stating the nature of the commenter's interest in the proposed rulemaking, should be submitted to Donna R. Koehnke, Secretary, U.S. International Trade Commission, 500 E Street SW., Room 112, Washington, DC 20436.

FOR FURTHER INFORMATION CONTACT: P.N. Smithey, Esq., Office of the General

Counsel, U.S. International Trade Commission, telephone 202-205-3061. Hearing-impaired individuals can obtain information concerning the proposed rulemaking by contacting the Commission's TDD terminal at 202-205-1810.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 1994, the Commission published final rules for 19 CFR part 210.¹ The current 10-day deadline under final rule 210.4(f)(3)(i) for section 337 complainants to file nonconfidential copies of their complaints after the confidential version is filed has generated concern on the part of law firms and their clients (or potential clients) that become aware that a section 337 complaint has been filed (presumably via the Commission's petition and complaint line recording) but are not able to examine immediately a nonconfidential version of the complaint. The Commission now believes that there is no reason to apply a 10-day delay to the filing of nonconfidential copies of complaints, since section 337 complainants normally have ample time to prepare a public version of their complaint and should be able to file that version simultaneously with the confidential version. The Commission thus proposes to amend the final rules to require section 337 complainants to file equal numbers of confidential and nonconfidential copies of complaints and to file them on the same date.

The proposed rule amendments set forth in this notice are intended to streamline administrative process by improving the speed and efficiency of the Commission's distribution and service of nonconfidential copies of complaints. The Commission believes that the proposed rule changes, if promulgated, will achieve those objectives by doing the following:

1. Eliminating the need for the Dockets Branch of the Office of the Secretary to make copies of the nonconfidential version of each complaint in order to perform the required distribution and service of nonconfidential copies of the complaint;
2. Facilitating the ability of the Dockets Branch to promptly distribute nonconfidential copies of complaints to interested persons and the Commission immediately after the complaint is filed; and
3. Facilitating the ability of the Dockets Branch to promptly serve nonconfidential copies of each complaint on the respondents and the appropriate embassies immediately

after the Commission votes to institute an investigation in response to the complaint.

The public comments filed in response to this notice will aid the Commission in determining whether the proposed rule amendments will achieve the desired streamlining objectives.

Section-by-Section Analysis of the Proposed Amendments

In order to effectuate the proposed rule changes concerning the filing of nonconfidential copies of complaints, the Commission proposes to amend final rules 210.4, 210.5, 210.8, and 210.52 in the manner described below.

Subpart A—Rules of General Applicability

Final Rule 210.4

Paragraph (f)(3) of final rule 210.4 currently requires section 337 complainants to file nonconfidential copies of their complaints 10 days after the confidential version is filed. The Commission proposes to amend paragraph (f)(3) to require complainants to file nonconfidential copies of their complaints concurrently with the confidential copies.

Final Rule 210.5

Paragraph (a) of final rule 210.5 currently states that, unless the Commission or an administrative law judge (ALJ) orders otherwise, confidential business information shall be submitted in accordance with 19 CFR 201.6(c), which requires that business information for which the supplier desires confidential treatment must be clearly labelled "confidential business information" when submitted and must be segregated from other material being submitted.

The Commission proposes to amend paragraph (a) of final rule 210.5 to provide that confidential business information shall be submitted in accordance with 19 CFR 201.6(b) (instead of 19 CFR 201.6(c)), since 19 CFR 201.6(b) outlines the procedure for submitting business information in confidence. Paragraph (a) of final rule 210.5 also will be amended to provide that in the case of a complaint and a motion for temporary relief, the requisite number of nonconfidential copies is prescribed by final rule 210.8(a) (and not by 19 CFR 201.8(d)).²

² Section 201.6(b)(3)(v) of 19 CFR requires the filing of a nonconfidential copy of the document for which confidential treatment is being sought, as required in 19 CFR 201.8(d). Section 201.8(d) of 19 CFR requires the filing of "at least four" nonconfidential copies.

¹ See 59 FR 39020, Part II (Aug. 1, 1994), as corrected by 59 FR 64286 (Dec. 14, 1994) and amended by 59 FR 67622 (Dec. 30, 1994).

Final Rule 210.8

Paragraph (a) of final rule 210.8 discusses the number of copies of the complaint and any motion for temporary relief which each complainant must file with the Commission. The Commission proposes to amend paragraph (a) to require the complainant to file enough nonconfidential copies for use by the Commission and its staff, service by the Commission on each proposed respondent, and service by the Commission on the government of the country of each foreign respondent.

Subpart H—Temporary Relief**Final Rule 210.52**

Paragraph (e) of final rule 210.52 identifies the rules to be followed if a complaint, a motion for temporary relief, or the documentation supporting a motion for temporary relief contains confidential business information as defined in 19 CFR 201.6(a). The Commission proposes to amend paragraph (e) of final rule 210.52 to include references to final rules 210.4(a) and 210.8(a) (which the Commission also proposes to amend).

PART 210—ADJUDICATIVE PROCEDURES

1. The authority citation for part 210 will continue to read as follows:

Authority: 19 U.S.C. 1333, 1335, and 1337.

2. For the reasons set forth in the preamble, the Commission proposes to revise paragraph (f)(3) of § 210.4 to read as follows:

§ 210.4 Written submissions; representations; sanctions.

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(f) *Specifications; filing of documents.*
* * *

(3) (i) If a complaint, a motion for temporary relief, or the documentation supporting a motion for temporary relief contains confidential business information as defined in § 201.6(a) of this chapter, the complainant shall file nonconfidential copies of the complaint, the motion for temporary relief, or the documentation supporting the motion for temporary relief concurrently with the requisite confidential copies, as provided in § 210.8(a) of this part.

(ii) Persons who file the following submissions that contain confidential business information covered by an administrative protective order, or that are the subject of a request for confidential treatment, must file nonconfidential copies and serve them on the other parties to the investigation or related proceeding within 10

calendar days after filing the confidential version with the Commission:

(A) A supplement to a complaint and all exhibits thereto;

(B) A response to a complaint and all supplements and exhibits thereto;

(C) All submissions relating to a motion to amend the complaint or notice of investigation; and

(D) All submissions addressed to the Commission.

Other sections of this part may require, or the Commission or the administrative law judge may order, the filing and service of nonconfidential copies of other kinds of confidential submissions. If the submitter's ability to prepare a nonconfidential copy is dependent upon receipt of the nonconfidential version of an initial determination, or a Commission order or opinion, or a ruling by the administrative law judge or the Commission as to whether some or all of the information at issue is entitled to confidential treatment, the nonconfidential copies of the submission must be filed within 10 calendar days after service of the Commission or administrative law judge document in question. The time periods for filing specified in this paragraph apply unless the Commission, the administrative law judge, or another section of this part specifically provides otherwise.

3. For the reasons set forth in the preamble, the Commission proposes to revise paragraph (a) of § 210.5 to read as follows:

§ 210.5 Confidential business information.

(a) *Definition and submission.* Confidential business information shall be defined and identified in accordance with § 201.6(a) and (c) of this chapter. Unless the Commission, the administrative law judge, or another section of this part states otherwise, confidential business information shall be submitted in accordance with § 201.6(b) of this chapter. In the case of a complaint and a motion for temporary relief filed under this part, the number of nonconfidential copies shall be prescribed by § 210.8(a) of this part.
* * * * *

4. For the reasons set forth in the preamble, the Commission proposes to revise paragraph (a) of § 210.8 to read as follows:

§ 210.8 Commencement of preinstitution proceedings.

(a) *Upon receipt of complaint.* A preinstitution proceeding is commenced by filing with the Secretary a signed original complaint and the requisite number of true copies. The complainant

shall file 14 confidential copies of the complaint, 14 nonconfidential copies, plus one confidential copy and one nonconfidential copy for each person named in the complaint as violating section 337 of the Tariff Act of 1930, and one nonconfidential copy for the government of each foreign country of any person or persons so named. If the complainant is seeking temporary relief, the complainant must file 14 confidential copies of the motion, 14 nonconfidential copies, plus one additional confidential copy and one additional nonconfidential copy of the motion for such relief for each proposed respondent, and one nonconfidential copy for the government of the foreign country of the proposed respondent. The additional copies of the complaint and motion for temporary relief for each proposed respondent and the appropriate foreign government are to be provided notwithstanding the procedures applicable to a motion for temporary relief, which require service of the complaint and motion for temporary relief by the complainant.
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5. For the reasons set forth in the preamble, the Commission proposes to revise paragraph (e) of § 210.52 to read as follows:

§ 210.52 Motions for temporary relief.

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(e) If the complaint, the motion for temporary relief, or the documentation supporting the motion for temporary relief contains confidential business information as defined in § 201.6(a) of this chapter, the complainant must follow the procedure outlined in §§ 210.4(a), 210.5(a), 201.6(a) and (c), 210.8(a), and 210.55 of this part.

Issued: March 23, 1995.

By Order of the Commission.

Donna R. Koehnke,

Secretary.

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ENVIRONMENTAL PROTECTION AGENCY**40 CFR Chapter I**

[FRL-5174-3]

National Emission Standards for Hazardous Air Pollutants Streamlined Development: Announcement and Request for Comments

AGENCY: Environmental Protection Agency (EPA).